

DRAFT PROPOSED EMERGENCY CHANGES TO THE ENERGY COMMISSION S SITING REGULATIONS

May 3, 2000

Specific regulatory language is provided at this time to modify the Siting Regulations as emergency regulations only for those recommendations made in the SB 110 Report which staff judged to be non-controversial, **as indicated in bold below**. Additional changes to the Siting Regulations which are potentially controversial and will require further discussion, such as modifying data adequacy requirements for an Application for Certification, will be proposed in a separate, up-coming rule-making but not on an emergency basis.

SB 110 Licensing Process Report Recommendations on Regulatory Changes

1. The Commission should establish data adequacy requirements for a Small Power Plant Exemption application.
2. The Commission should review and, as necessary, modify the data adequacy requirements for an Application for Certification.
3. The Commission should define the terms Letter of Intent and Option Contract .
4. **The Commission should add to Section 1716 (g) of the siting regulations broader language consistent with the definition of electric utility found in Public Resources Code, / 25108. (See Attachment, Item #5, Section 1716)**
5. The Commission should continue, consistent with the siting regulations, to restrict distribution in licensing cases of confidential information regarding proprietary subjects and sensitive environmental sites.
6. **The Commission should provide licensing case participants the option of filing material electronically. (See Attachment, Item #1, Sections 1104, 1209, 1209.5, 1705, and 1706)**
7. **The Commission should require applicants to demonstrate site control in an Application for Certification. (See Attachment, Item #2, Appendix B)**
8. **The Commission should specify time requirements for requesting Committee rulings and appealing those rulings to the full Commission. (See Attachment, Item #3, Section 1215)**

9. **The Commission should specify that all requests for information must be submitted no later than 180 days from the date the Application for Certification is found to be data adequate, unless the Committee allows a later date for good cause shown. (See Attachment, Item #4, Section 1716)**
10. The ex parte rule, which requires public meetings between the Commissioners and all other parties, should be continued.
11. Greater clarity is needed in the regulations regarding how staff meets with and obtains information from parties. The Commission should examine the need for flexibility and open exchange of information, and change the regulations regarding noticing requirements accordingly.
12. The Commission should clarify the weight given comment (versus sworn testimony) in the decision-making process.
13. The Commission should hold early public scoping sessions.
14. The Commission should require Applications for Certification to include all information normally required by agencies to develop their analyses, conclusions and recommendations.
15. **The Commission should send copies of each Application for Certification to the Independent System Operator and request analyses, conclusions and recommendations from the Independent System Operator regarding transmission system operations and reliability. (See Attachment, Item #6 Section 1714)**
16. **(ADDED) The Commission should clarify the specific deadline in the siting process for filing to become an intervenor in the process. (See Attachment, Item #7, Section 1207)**
(This was discussed in the hearings but inadvertently left out of the recommendations in the SB 110 Report.)

ATTACHMENT

OVERVIEW OF DRAFT PROPOSED EMERGENCY CHANGES TO THE SITING REGULATIONS

May 3, 2000

The March 27, 2000 Report to the Legislature on Improvements to the Licensing Process contained 15 recommendations for regulatory changes. Of the 15, six are relatively simple changes that are also likely to be the least controversial of the recommendations. These, plus one additional change that would set a deadline for intervention, are the amendments that the staff proposes be the subject of emergency regulations, which SB 110 authorizes the Commission to adopt by July 1, 2000, and which the Committee has directed the staff to pursue. The amendments proposed for emergency adoption are as follows:

1. Electronic Filing

This amendment would explicitly allow for the electronic filing of any comments and documents in an AFC proceeding. Currently, parties are required to file 12 paper copies of whatever they are filing. This amendment would give parties the option of filing one paper copy and one or two electronic copies instead, depending on the electronic medium used. Specifically, sections 1104(e) (public comments) and 1209 (formal filings) would be amended this way. Section 1706 would be amended to specify the number of paper and electronic copies of notices and applications that may be filed as an alternative to all-paper filings. In addition, section 1209.5 would be amended to specify the media and formats acceptable for electronic filings, but would also allow the executive director to approve alternative media and formats that may be requested by a party. Finally, section 1705 would be amended to refer specifically to paper copies with respect to the requirement that applications be filed in three-ring binders. **[Note: Staff is also considering wording to ensure that paper service is available whenever one or more parties request it in place of electronic service.]**

2. Site Control

This amendment would require an application to contain evidence that the project proponent has the legal right to build and operate the proposed facility on the proposed site. The evidence would be required for data adequacy--for finding the application complete. Specifically, Appendix B(a)(3) regarding project ownership would have a new subsection (D) requesting documentation of site-control by the applicant.

3. Deadlines for Committee Rulings and Appeals to the Commission

This amendment would be to section 1215 regarding interlocutory orders and appeals. If a committee issues a ruling in a proceeding, this amendment would limit to five calendar days after the ruling the time in which a party may request the ruling be in the form of a written order. This amendment would also limit the time for appeal of a committee's written order to ten days after the date of the order. Currently, section 1215 is silent on when a party may request an interlocutory ruling be in writing. With respect to the appeal of a written interlocutory order to the Commission, there is currently only the restriction that it not be during the course of hearings or conferences, except in extraordinary circumstances.

4. Deadline for Data Requests

This amendment would limit the time for data requests to 180 days following acceptance of an AFC except for good cause shown. Section 1716, to which this amendment would add a new subsection (e) with these changes, currently limits data requests to the period before the presiding member's hearing order, except upon petition to the presiding member.

5. Committee Requests for Information from Any Electric Utility

This amendment to section 1716(g) would clarify existing authority a committee has to require relevant information on an AFC from any utility. By referring specifically to any electric utility and adding examples, the amendment would make changes consistent with the broad definition of electric utility in Public Resources Code section 25108.

6. Involvement of the ISO

This amendment to section 1714 would include the Independent System Operator (ISO) among the agencies to which the executive director must send a copy of an AFC for any proposal that includes a connection to the ISO-controlled transmission grid. Otherwise, this amendment would require the executive

director to send a notice of availability of an AFC to the ISO. This amendment would also reduce the number of copies sent to the California Public Utilities Commission (CPUC) from four to one with respect to projects requiring a certificate of public convenience and necessity (CPCN). Most, if not all AFCs, are not likely to be from investor-owned utilities regulated by the CPUC and, therefore, would not require a CPCN. For these projects, the amendment would require the executive director to send a notice of availability of an AFC to the CPUC.

7. Deadline for Intervention

This amendment to section 1207 would limit the time for filing a petition to intervene to no later than the date of the first prehearing conference. Currently, section 1207 allows petitions to intervene to be filed up to 30 days prior to the first evidentiary hearing. Normally, the prehearing conference is held much earlier than 30 days before the first evidentiary hearing. **[Note: Staff is also considering wording to make the date of the prehearing conference the deadline for petitions to intervene only if an independent analysis informing the public of the project's potential issues has been released before that date, otherwise to leave it to the presiding member to set a deadline.]**

**DRAFT PROPOSED LANGUAGE FOR
EMERGENCY CHANGES TO THE SITING REGULATIONS**

1. Electronic Filing

/ 1104. Meetings.

(a) Presiding Member. The chairman shall preside over all meetings of the commission at which he is present. In his or her absence, the vice chairman shall preside. If neither the chairman nor the vice chairman is in attendance, the member present who has the greatest seniority on the Commission shall preside. The presiding member may yield the chair.

(b) Robert's Rules of Order. Except as otherwise provided by this article and except when all the members present indicate otherwise, meetings of the commission shall be conducted pursuant to the latest edition of Robert's Rules of Order. Failure to comply with this subsection shall not invalidate any action of the commission.

(c) Order of Agenda. The presiding member may determine the order in which agenda items shall be considered.

(d) Consent Calendar. The agenda may include an item designated "the consent calendar."

(1) The consent calendar shall include only those matters for which there appears to be no controversy. The consent calendar shall contain any such matter specified for inclusion by the person proposing the agenda item. A brief description of each matter on the consent calendar shall be included in the agenda.

(2) At the request of any member, any matter shall be removed from the consent calendar and may be considered at the same meeting as a separate item of business.

(3) After an opportunity for the requests to remove matters from the consent calendar has been given, a vote shall be taken on the consent calendar. If three members vote to approve the consent calendar, each matter on the consent calendar shall be approved and shall have the same force and effect as it would have if approved as a separate agenda item.

(e) Public Comments. Any person may submit comments in writing on any agenda item. Any person submitting such comments shall, if possible, provide the commission with either twelve paper copies of such comments or |

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one paper copy and the number of electronic copies in the media and format specified in Section 1209.5 in advance of the meeting at which it is to be considered.

Any person present and so desiring shall be given an opportunity to make oral comments on any agenda item; provided however, that the presiding members may limit or preclude such comments as necessary for the orderly conduct of business.

NOTE: Authority cited: Section 25218, Public Resources Code.
Reference: Section 25214, Public Resources Code.

/ 1209. Form of Submission.

(a) Except for drawings, photographs, maps, diagrams, charts, graphs, or similar documents and exhibits, all formal paper filings and accompanying materials submitted to the commission pursuant to these regulations shall be typewritten or printed on paper eight and one-half (8 1/2) inches wide and eleven (11) inches long. To the extent possible, all attachments thereto, including drawings, photographs, maps, diagrams, charts, graphs, and similar documents, and all other exhibits, shall be folded to the same size. To the extent possible, no document should be larger than eleven (11) inches wide and seventeen (17) inches long unfolded. Documents should be printed on both sides of the page. Clear, permanently legible copies made by any reproduction process may be submitted. Pages shall be bound securely and shall be consecutively numbered. Formal filings may also be submitted electronically. Electronic copies shall be in one of the media and formats specified in Section 1209.5.

(b) All filings and accompanying materials, including exhibits not attached to other materials, shall show the following on the title page or cover:

- (1) the title of the proceeding before the commission;
- (2) the docket number, if any, assigned by the commission;
- (3) the nature of the material;
- (4) the name, address, and telephone number of the person submitting the material.

(c) Unless otherwise specified in these regulations or required by the commission or the executive director, any person submitting written materials in connection with a proceeding before the commission shall provide either twelve (12) paper copies thereof, including one original paper copy, or one original

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paper copy and an electronic copy(s) in one of the media and formats specified in Section 1209.5, unless provision of ~~twelve (12) such~~ copies would impose an undue burden on ~~such person the submitter~~. If the undue burden is one of inconvenience, a check covering the cost of making additional copies at the current rate of \$.10 per page specified by the commission s Docket Unit shall be submitted with the original copy. If the undue burden is financial, the letter of transmittal, written material, or comment should so state. The Docket Unit shall photocopy and distribute submitted material in the normal course.

(d) Unless otherwise specified in these regulations all materials filed with the commission shall be filed with the Docket Unit. The executive director shall assure the proper distribution of such materials and shall assure that all materials submitted to the commission shall be made available at the Docket Unit to the public in accordance with provisions of the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7, Title 1 of the Government Code, and commission regulations.

(e) Materials shall be deemed filed as of the date upon which such material is served upon the appropriate officer of the commission, or if mailed, as of the date upon which such material is deposited in the mail, first class postage prepaid.

NOTE: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25223, Public Resources Code.

/ 1209.5. Electronic filing.

(a) Electronic documents may be submitted in any of the following media in the number of copies specified:

- (1) Two CD-ROMs (read only);
- (2) Two Jazz disks (1GB or 2GB);
- (3) Two Zip disks (100MB or 250MB);
- (4) Two 1.4 MB diskettes;
- (5) One internet e-mail;
- (6) One posted to an FTP site; or
- (7) Any other media and number of copies authorized by the Executive Director.

(b) The format version used must be noted on the media. Charts, graphs, drawings, maps, and photographs should be incorporated within the document, but may be included in an appendix. Maps and photographs may be submitted as paper copies in the number specified by the commission.

(c) Electronic documents should be provided in any of the following formats:

(1) Portable Document Format (PDF); or

(2) Any other format authorized by the executive director. The executive director may waive the format requirement if it is shown to constitute an unreasonable burden to the applicant. A written request for a waiver may be submitted to the executive director at any time prior to the filing of a notice or application. The request shall include a description of each such document and a discussion of the reasons why the formats specified in (c) (1) and (2) above are unreasonable. An applicant may not file a notice or application while such a request is pending. If a request is granted, the executive director shall specify the format allowed. The executive director shall act on all such requests within 15 days.

(d) Documents may be delivered to the Dockets Unit in the following ways:

(1) by personal delivery to the Dockets Unit;

(2) by electronic transfer (e-mail) of smaller documents (5MB maximum file size) to: dockets@energy.state.ca.us;

(3) through the U.S. mail or other delivery service with first-class postage prepaid; or

(4) In any other delivery method approved by the Executive Director.

(e) Data the submitter considers confidential must be filed as a separate document with an application for confidential designation pursuant to Section 2505.

/ 1705. Form of Submissions.

Paper copies of Notices and applications, and any other documents attached thereto, submitted pursuant to this article, shall conform to the requirements of Section 1209 of these regulations and shall be submitted in a three-ring binder in a loose-leaf fashion, with pages numbered by chapter.

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NOTE: Authority cited: Section 25213, Public Resources Code. Reference: Sections 25502 and 25519, Public Resources Code.

/ 1706. Number of Copies.

(a) The applicant shall file with the commission one hundred fifty (150) copies of any notice and of all drawings, photographs, maps, diagrams, charts, graphs, and other documents attached to the notice- or, alternatively, 50 paper copies and 100 copies in any hard electronic media and format as specified in Section 1209.5, unless otherwise authorized by the Executive Director.

(b) The applicant shall file with the commission one hundred twenty-five (125) paper copies of any application for certification and of all drawings, photographs, maps, diagrams, charts, graphs, and other documents attached to the application or, alternatively, 50 paper copies and 75 copies in any hard electronic media and format as specified in Section 1209.5, unless otherwise authorized by the Executive Director.

(c) The applicant shall file with the commission one hundred (100) copies of any application for a small powerplant exemption and of all drawings, photographs, maps, diagrams, charts, graphs, and other documents attached to the application- or, alternatively, 50 paper copies and 50 copies in any hard electronic media and format as specified in Section 1209.5, unless otherwise authorized by the Executive Director.

(d) The applicant shall also file the same number of copies, specified in subsections (a) or (b) above, of any subsequent documents required by the Commission for completeness under section 1709.

(e) In addition to the materials filed pursuant to subsections (a), (b), or (c) above, the applicant shall file five (5) copies of all documents cited in the notice or application which are not available at public libraries or other governmental agencies in the City or County of Sacramento. For each document which is so available, the filing shall state where the document can be found.

(f) The executive director may waive the requirement for filing the number of copies specified by this section for any document for which reproduction and filing of that number of copies would constitute an unreasonable burden to the applicant. A written request for a waiver may be submitted to the executive director at any time prior to the filing of a notice or application. The request shall include a description of each such document and a discussion of the reasons why reproduction and filing of that number of copies is unreasonable. An applicant may not file a notice or application while such

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request is pending. If a request is granted, the executive director shall specify the number of copies of the document to be filed. The executive director shall act on all such requests within 15 days.

(g) Upon filing a notice or application pursuant to this article, the executive director may require the filing of additional copies of the notice or application and associated documents, if necessary, to satisfy the requirements of interested agencies, the parties, and the public.

NOTE: Authority cited: Section 25213, Public Resources Code. Reference: Sections 25502 and 25519, Public Resources Code.

2. Site Control

Appendix B

(a) (3) Project Ownership

(A) A list of all owners and operators of the site(s), the power plant facilities, and, if applicable, the thermal host, the geothermal leasehold, the geothermal resource conveyance lines, and the geothermal re-injection system, and a description of their legal interest in these facilities.

(B) A list of all owners and operators of the proposed electric transmission facilities.

(C) A description of the legal relationship between the applicant and each of the persons or entities specified in subsections (a)(3)(A) and (B).

(D) Documentation showing that the applicant has a legal right, for example, by way of ownership in fee, contract for sale, option contract to buy, option contract to lease, or other such instrument conveying or establishing a real property interest, to construct and operate the proposed facility on the proposed site.

3. Deadline for Committee Rulings and Appeals to the Commission

/ 1215. Interlocutory Orders and Appeals.

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(a) ~~At any time~~ During proceedings before a committee, any party may request that a ruling of the committee or presiding member be issued in the form of a written order. Any such request shall be made no later than five calendar days following the ruling.

(b) Any party may petition the full commission to review any order prepared pursuant to subsection (a) of this section; Any such petition shall be filed within ten days of the date of the order being issued; provided, however, that rulings of the presiding member or committee may not be appealed during the course of hearings or conferences except in extraordinary circumstances where prompt decision by the commission is necessary to prevent detriment to the public interest. In such instances, the matter shall be referred forthwith by the presiding member to the commission for determination.

(c) Unless the commission acts upon questions referred by the presiding member to the commission or upon a petition to review an order of the presiding member or committee within thirty (30) days after the referral or filing of the petition, whichever is later, such referrals or petitions shall be deemed to have been denied. The commission may act by formally denying the petition or by vacating or amending the committee order.

NOTE: Authority cited: Section 25218(e), Public Resources Code. Reference: Section 25210, Public Resources Code.

4. Deadline for Data Requests

5. Committee Requests for Information from Any Electric Utility

/ 1716. Obtaining Information.

(a) The executive director or the general counsel shall have authority to request or otherwise obtain from the applicant such information as is necessary for a complete staff analysis of the notice or application.

(b) Any party may request from the applicant any information reasonably available to the applicant which is relevant to the notice or application proceedings or reasonably necessary to make any decision on the notice or application. All such requests shall include the reasons for the request.

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(c) Any public agency which is not a party and which has been requested to provide comments on the notice or application shall have the same rights as a party to obtain information necessary to comply with the commission's request for comments. To the extent practicable, the staff shall coordinate requests from agencies to the applicant to avoid duplicative requests.

(d) Any party may request from a party other than the applicant information which is reasonably available to the responding party and cannot otherwise be readily obtained, and which is relevant to the proceeding or reasonably necessary to make any decision on the notice or application. All such requests shall state the reasons for the request.

(e) All requests for information shall be submitted no later than 180 days from the date the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown.

(fe) Any party requested to provide information pursuant to this section shall, within ~~15~~ 10 days of receiving the request, notify the requesting party and the committee in writing if it is unable to provide or objects to providing the information requested of it. Such notification shall state the reasons for the inability or the grounds for the objection. Absent such an objection, the party shall provide the information requested within 30 days of the date that the request is made. The dates specified in this section may be changed by mutual agreement of the parties or by committee order.

(gf) If the requesting party or agency is unable to obtain information as provided in this section, such party or agency may petition the committee for an order directing the responding party to supply such information. The committee may set a hearing to consider argument on the petition, and shall, within 30 days of the filing of the petition, either grant or deny the petition, in whole or in part. The committee may direct the commission staff to supply such of the information requested as is available to the staff.

(hg) The committee shall have the authority to require from any electric utility, including any aggregator, scheduling coordinator, energy service provider, or independent power producer, information which is specific to the subject notice or application and reasonably necessary to make any decision on the notice or application; provided, however, that such information, or its equivalent, is not reasonably available from any party or from publicly available records. Applications for confidentiality may be filed pursuant to Title 20, California Code of Regulations, section 2501 et seq.

(ih) All information requests and responses shall be served on all parties to the proceeding by the requesting and responding parties respectively;

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provided, however, that requests for information made orally at a public meeting or hearing authorized by the presiding member need not be made in writing or served unless otherwise required by the presiding member. The presiding member may set reasonable time limits on the use of, or compliance with, information requests in order to avoid interference with any party's preparation for hearings or imposing other undue burdens on a party. No information requests shall be submitted by any party after release of the presiding member's hearing order except upon petition to the presiding member.

(j) Any witness testifying at a hearing shall to the extent that it does not unduly burden the witness, make available to any party on request copies of any work papers relied upon in the preparation of the testimony. If a witness for the applicant sponsors any portion of the notice or application for inclusion in the hearing record, the applicant shall make available, on request, all work papers relied upon in the preparation of the sponsored portion.

NOTE: Authority cited: Sections 25213 and 25541.5, Public Resources Code.
Reference: Sections 25210, 25502, 25519(b), and 25541, Public Resources Code; Section 11181, Government Code

6. Involvement of the ISO

/ 1714. Distribution of Copies to Public Agencies; Request for Comments.

(a) As soon as possible after receipt of the notice or application for a site and related facility requiring a certificate of public convenience and necessity, the executive director shall transmit ~~four copies~~ a copy thereof to the Public Utilities Commission and shall request the Public Utilities Commission to perform an analysis and to offer comments and recommendations regarding the economic, financial, rate, system reliability, and service implications of the design, construction, operation, and location of the site and related facilities. For applications for a site and related facility which does not require a certificate of public convenience and necessity the executive director shall transmit a notice of availability of the application to the Public Utilities Commission.

(Comment: If an IOU proposed a thermal plant, GO-131-D provides that a CPCN is required. Also, where an outlet line is to be owned and operated by an IOU (PTO) the CPUC would have collateral jurisdiction and would have to find the outlet acceptable per GO-131D (a rubber stamp operation)).

(a) As soon as possible after receipt of the application for a site and related facility that is proposed to connect to the Cal-ISO controlled grid, the executive director shall transmit a copy thereof to the California Independent

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System Operator and shall request the California Independent System Operator to perform an analysis and to offer comments and recommendations regarding the system reliability implications and identification of interconnection facilities required for connection to the Cal-ISO grid. For applications which do not connect to the Cal-ISO grid the executive director shall transmit a notice of availability to the Cal-ISO.

(Comment: Of most import are system reliability criteria that, in turn, determine the whole of the action . It wouldn't hurt to see that a notice of availability for connections to a TO was sent to the Cal-ISO {we do it anyway}).

(bc) The executive director shall also transmit a copy of the notice or application to the Coastal Commission for any site located in the coastal zone, to the Bay Conservation and Development Commission (BCDC) for any site located in the Suisun Marsh or the jurisdiction of the BCDC, ~~to the Attorney General~~, to the California Department of Fish and Game, to the Air pollution Control District in which the project is located, to the Water Resources Control Board in which the project is located, to all federal, state, regional, and local agencies which have jurisdiction over the proposed site and related facility, or which would have such jurisdiction but for the commission's exclusive authority to certify sites and related facilities pursuant to Chapter 6 (commencing with / 25500) of Division 15 of the Public Resources Code, and to any other federal, state, regional, or local agency which has been identified as having a potential interest in the proposed site and related facility, and shall request analyses, comments, and recommendations thereon.

(cd) The executive director shall transmit a copy of the notice or application to any Native American government having an interest in matters relevant to the site and related facilities proposed in the notice or application provided the Native American government has a governing body recognized by the Secretary of the Interior of the United States or the Native American government has otherwise requested in writing to receive a copy of the notice or application.

(de) The commission shall request any Native American government covered under subsection (c) to make comments and recommendations regarding the design, operation, and location of the facilities proposed in relation to the environmental quality, public health and safety, and other factors on which they may have expertise. To the extent that the Native American government has land use and related jurisdiction in the area of the proposed sites and related facilities, the commission shall request the Native American government to review and comment upon the land use and related aspects of the proposed sites and related facilities.

(ef) Upon receiving a copy of the notice or application, each agency requested to file comments shall inform the presiding member (or the executive director if no committee has been appointed yet) of when such comments can

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be filed with the commission. Unless otherwise specified by law or by order of the presiding member, all such comments shall be filed prior to the conclusion of the evidentiary hearings held pursuant to Sections 1723, 1748, and 1944 on the notice or application.

NOTE: Authority cited: Sections 25218(e) and 25541.5, Public Resources Code. Reference: Sections 25505, 25506, 25506.5, 25507, and 25519, Public Resources Code.

7. Deadline for Intervention

/ 1207. Intervenor.

(a) Any person may file with the Docket Unit or the presiding committee member a petition to intervene in any proceeding. The petition shall set forth the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner.

(b) In a power plantsiting case, the petition shall be filed no later than the date of the first Prehearing Conference ~~at least 30 days prior to the first hearing held pursuant to sections 1725, 1748, or 1944 of this Chapter~~, subject to the exception in subsection (c) below. The petitioner shall also serve the petition upon the Applicant.

(c) The presiding member may grant leave to intervene to any petitioner to the extent he or she deems reasonable and relevant, and may grant a petition to intervene filed after the deadline provided in subdivision (b) only upon a showing of good cause by the petitioner.

(d) Any petitioner who has been denied leave to intervene by the presiding member may appeal the decision to the full commission within fifteen (15) days of the denial. Failure to file a timely appeal will result in the presiding member's denial becoming the final action on the matter.

(e) Any petitioner may withdraw from any proceeding by filing a notice to such effect with the Docket Unit or presiding committee member.

NOTE: Authority cited: Section 25213, Public Resources Code. Reference: Section 25214, Public Resources Code.